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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,380	10/03/2003	Rolf Baechtger	2002P13391US	9730
28204	7590	04/18/2006	EXAMINER	
SIEMENS SCHWEIZ I-44, INTELLECTUAL PROPERTY ALBISRIEDERSTRASSE 245 ZURICH, CH-8047 SWITZERLAND			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/677,380

Applicant(s)

BAECHTIGER ET AL.

Examiner

DARYL C. POPE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/28/2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Claim Objections*

1. Claims 1 and 10 are objected to because of the following informalities:

The claim(s) must be in one sentence form only the first word in each claim should be capitalized. As well, all lettered subsets should be in lower case, and all dashes should be deleted. Note the format of the claims in the patent(s) cited.

Appropriate correction is required.

### **ART REJECTION:**

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolley et al(5,892,441).

-- In considering claim 1, the claimed subject matter that is met by Woolley et al(Woolley) includes:

1) the influence variables being recorded in each transponder with a connected sensor means and transmitted amongst other transponders via transmitting/receiving modules, and the recorded variables being transmitted to a communication unit is met by the asset tags(16) of each individual asset(12), the tags(16) recording information

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and being in communication with other asset tags to define networks so as to share information(see: column 16, lines 32-35, lines 58-64), the tags(16) also including sensors(18, column 16, lines 40-45; column 21, lines 32-38) and as well being in communication with monitoring device(15, column 20, lines 26-29) via communication circuitry(102, column 19, lines 19-22).

Furthermore, it would have been inherent that influence variables would have been recorded, since some form of storage would have been necessary in order for the variables to be transmitted to the monitoring devices upon interrogation by the device(see: column 16, lines 46-52).

-- With regards to claim 2, the individual goods being located in containers and a transponder allocated to a container and the goods contained in the container being recorded is met by the asset tag(16(1)) of the container(12(1)) as see in figure 2.

-- With regards to claim 3, the ad-hoc network is met(see: column 16, lines 58-63).

-- With regards to claim 4, the transponder being determined from messages transmitted from the communication unit to the transponders on the basis of an acknowledgement message is met by the interrogate and respond module(22) that provides asset information when activated by interrogation from radar gun(see: column 16, lines 46-52).

-- With regards to claim 5, transmission of all influence variables to a remote center is met by the information of the tags being transmitted to remote operations center(13, column 16, lines 53-57).

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-- With regards to claims 6-8, the current time being recorded, and locating information being stored in time interval and that information being transmitted with the complete influence variables is met(see: column 3, lines 31-37).

-- With regards to claim 9, the deleting of still recorded influence variables is met by the active sub-function monitors of the tag which receives commands that causes data to be clear as desired(see: column 30, lines 39-45, the location information being transmitted is met(see: column 17, lines 25-43).

-- With regards to claim 10, the variables recorded being temperature is met(see: column 16, lines 40-45).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

March 16, 2006

DARYL C POPE  
Primary Examiner  
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A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.

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